

## **IC 15-3-2**

### **Chapter 2. Agricultural Ammonia**

## **IC 15-3-2-1**

### **Short title**

Sec. 1. This chapter shall be known as the "Indiana Agricultural Ammonia Law".

*(Formerly: Acts 1965, c.396, s.1.) As amended by P.L.183-1983, SEC.43.*

## **IC 15-3-2-2**

### **Administration**

Sec. 2. The provisions of this chapter shall be administered by the state chemist of the state of Indiana who may act through his authorized agent or agents.

*(Formerly: Acts 1965, c.396, s.2.) As amended by P.L.183-1983, SEC.44.*

## **IC 15-3-2-3**

### **Definitions**

Sec. 3. As used in this chapter:

(a) The term "ammonia" shall mean agricultural anhydrous ammonia (NH<sub>3</sub>) fertilizer.

(b) The term "ammonia solution" shall mean any agricultural ammonia solution containing 10 per cent or more by weight of free ammonia and/or having a vapor pressure of one (1) PSIG or above at 104 degrees F.

(c) The term "person" shall mean any individual, firm, partnership, association, corporation, company, joint stock association or body politic or any organized group of persons whether incorporated or not and includes any trustee, assignee, or other similar representative thereof.

(d) The term "distribute" shall mean to offer for sale, sell, barter, or otherwise supply ammonia or ammonia solutions to any person for agricultural purposes as a fertilizer, except for shipment to a point or points outside of the state.

*(Formerly: Acts 1965, c.396, s.3.) As amended by P.L.183-1983, SEC.45.*

## **IC 15-3-2-4 Repealed**

*(Repealed by Acts 1977, P.L.6, SEC.1.)*

## **IC 15-3-2-5**

### **Distribution facilities; approval or disapproval of location; existing facilities**

Sec. 5. (a) On or after December 30, 1965, any person, before installing facilities for the distribution of ammonia or ammonia solutions shall, on forms provided by the state chemist, apply for approval of the location of the proposed distribution facilities, in which application he shall state that the installation will be in

compliance with all local zoning regulations and building codes.

(b) If the state chemist finds that the location meets the requirements of this chapter and the rules and regulations promulgated hereunder, he shall issue written approval of the location within thirty (30) days after receipt of the application. If the state chemist finds the location does not meet the requirements of this chapter and the rules and regulations promulgated thereunder, he shall issue written disapproval of the location within thirty (30) days after receipt of the application.

(c) Distribution facilities installed prior to December 30, 1965, shall be exempt from the requirements for location approval. Not later than February 28, 1966, the owner or operator of each distribution facility existing prior to December 30, 1965, shall report in writing the location thereof to the state chemist.

(d) A public way shall not be placed closer to an existing distribution facility than the distance required by rules adopted under this chapter for a distribution facility to be placed near a public way. *(Formerly: Acts 1965, c.396, s.5.) As amended by P.L.183-1983, SEC.46; P.L.78-2001, SEC.1.*

#### **IC 15-3-2-6**

##### **Distribution facilities; inspection; entry upon private premises**

Sec. 6. It shall be the duty of the state chemist who may act through his authorized agent or agents to inspect distribution facilities and operation procedures at such reasonable time and at the applicable location and to such an extent as is reasonably necessary to determine whether such distribution is in compliance with the provisions of this chapter and the rules and regulations promulgated hereunder. The state chemist individually or through his agent or agents is authorized to enter upon any public or private premises at reasonable hours in order to have access to and to inspect facilities, equipment and vehicles of transport not principally engaged in interstate commerce and to observe procedures used in distribution, application, or use of ammonia or ammonia solutions.

*(Formerly: Acts 1965, c.396, s.6.) As amended by P.L.183-1983, SEC.47.*

#### **IC 15-3-2-7**

##### **Unlawful acts**

Sec. 7. It shall be unlawful for any person:

- (a) to install facilities for distribution of ammonia or ammonia solutions at any location without first obtaining written approval of the state chemist for the location of the facility;
- (b) to distribute ammonia or ammonia solutions from any unapproved location which is required to be approved hereunder;
- (c) to distribute, to store, to transport, or to use ammonia or ammonia solutions in violation of this chapter or the rules and regulations promulgated hereunder;
- (d) to violate a correction order as provided in section 9 of this

chapter; or

(e) to use any ammonia or ammonia solutions container for any purpose whatsoever without the prior authorization of the fee simple owner thereof.

*(Formerly: Acts 1965, c.396, s.7.) As amended by P.L.183-1983, SEC.48.*

#### **IC 15-3-2-8**

##### **Minimum safety standards**

Sec. 8. The state chemist shall adopt and promulgate rules and regulations setting forth minimum safety standards covering the design, construction, location, installation and operation of equipment for storage, handling, utilization and transportation (not otherwise regulated) of ammonia and ammonia solutions. Said rules and regulations shall be such as are reasonably necessary for the protection of the safety of the public, including persons handling or using such materials, and shall be in substantial conformity with the current nationally accepted standards of safety concerning the subject matter in this section. Such rules and regulations shall be adopted by the state chemist only after a notice and public hearing thereon.

*(Formerly: Acts 1965, c.396, s.8.)*

#### **IC 15-3-2-9**

##### **Order to correct violation; extension of time**

Sec. 9. When the state chemist or his authorized agent or agents finds any violation of this chapter or of the rules and regulations promulgated thereunder, he or his authorized agent or agents may issue an order to the owner, the owner's agent, or operator of the facility or equipment involved to correct such violation immediately. Provided, however, that the state chemist or his agent or agents shall grant a request for a reasonable extension of time where there is practical difficulty in complying with the order, and where the time extension will not cause a safety hazard to the public, including persons who use the facility or equipment. Any such order issued shall be in writing.

*(Formerly: Acts 1965, c.396, s.9.) As amended by P.L.183-1983, SEC.49.*

#### **IC 15-3-2-10**

##### **Rules and regulations; uniform force and effect; municipal zoning regulations and building codes**

Sec. 10. The rules and regulations promulgated pursuant to this chapter shall have uniform force and effect throughout the state. Nothing in this chapter shall in any way impair the power of any municipality or other political subdivision of this state to regulate the use of its land by zoning regulations or building codes.

*(Formerly: Acts 1965, c.396, s.10.) As amended by P.L.183-1983, SEC.50.*

### **IC 15-3-2-11**

#### **Installation of equipment**

Sec. 11. All equipment for the storage, handling, distribution, and use of ammonia or ammonia solutions shall be installed and maintained in a safe operating condition, and in conformity with the rules and regulations of the state chemist adopted under section 8 of this chapter.

*(Formerly: Acts 1965, c.396, s.11.) As amended by P.L.183-1983, SEC.51.*

### **IC 15-3-2-12**

#### **Application of act; nonconforming installations**

Sec. 12. Except as herein provided, this chapter shall apply to all installations made after December 30, 1965. Installations existing on December 30, 1965, which do not comply fully with the requirements of the rules and regulations promulgated hereunder shall be allowed to continue in service unless it is determined by the state chemist that the installation or condition presents a distinct safety hazard to the public, including persons who use the facilities or equipment of the installation. The owner or operator of the installation shall be given a written notice of such determination.

*(Formerly: Acts 1965, c.396, s.12.) As amended by P.L.183-1983, SEC.52.*

### **IC 15-3-2-13**

#### **Violations; prosecution; injunction**

Sec. 13. (a) A person who violates this chapter commits a Class C infraction. The prosecuting attorney of any judicial circuit in which a violation has occurred and to whom any violation has been reported by the state chemist shall institute the appropriate proceedings and prosecute the same in a court. Before the state chemist reports a violation for prosecution, an opportunity shall be given the person to present his views. The state chemist need not report for prosecution minor violations of this chapter whenever he believes that the public interest is best served by other action.

(b) The state chemist may apply for a temporary or permanent injunction restraining any person from violating or continuing to violate this chapter or any rule or regulation promulgated under this chapter, notwithstanding the existence of other remedies at law. The injunction shall be issued without bond.

*(Formerly: Acts 1965, c.396, s.13.) As amended by Acts 1978, P.L.2, SEC.1513.*